

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEPHANIE DE ANGELIS,

Plaintiff,

v.

**Civil Action 2:17-cv-00926
Judge Algenon L. Marbley
Chief Magistrate Judge Elizabeth P. Deavers**

NOLAN ENTERPRISES, INC.,

Defendant.

OPINION AND ORDER

This matter is before the Court for consideration of Plaintiff's Motion for Leave to File Amended Complaint *Instante* (ECF No. 31), Defendant's Motion for Extension of Time to Respond to Plaintiff's Motion for Leave, or in the alternative, to Dismiss Plaintiff's Motion (ECF No. 32), and Plaintiff's Response in Opposition to Motion for Extension to Respond or to Dismiss Plaintiff's Motion (ECF No. 33). For the following reasons, Plaintiff's Motion is **DENIED WITHOUT PREJUDICE.**

Plaintiff seeks leave to file an Amended Complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure to add an additional named Plaintiff, Jane Doe, who wishes to proceed pseudonymously in public filings. (*See generally* ECF No. 20.) Plaintiff also seeks to add an additional party Defendant, Fred Tegtmeir, who Plaintiff alleges "is an individual and owner of Nolan Enterprises, Inc." (ECF No. 31-2, Proffered Amended Complaint at ¶ 16.) In Plaintiff's Motion, however, she makes no mention of her request to name Mr. Tegtmeir as an additional party Defendant. (*See generally* ECF No. 31.) Furthermore, in her Reply, Plaintiff asserts with

regard to adding Fred Tegtmeir: “Plaintiff seeks to add to this case an additional defendant . . . Should the Court deny Plaintiff’s motion to amend—Plaintiff could simply file additional actions against the new defendant. . . . Allowing Plaintiff to amend her complaint saves judicial economy.” (ECF No. 33, at pg. 1.)

Defendant, in its Response in Opposition, requested that its response to Plaintiff’s Motion be stayed pending resolution of Defendant’s Motion to Compel Arbitration. (ECF No. 15.) Defendant asserted that if the Motion to Compel was granted, it would likely moot Plaintiff’s Motion. In the alternative, Defendant requested that Plaintiff’s Motion be “dismissed.” On June 15, 2018, the Court denied Defendant’s motion for an extension of time without prejudice. (ECF No. 41.) On September 24, 2018, the Court denied Defendant’s Motion to Compel. (ECF No. 55.) To date, Defendant has not filed anything new related to Plaintiff’s Motion for Leave to File Amended Complaint *Instante* (ECF No. 31).

In Defendant’s Response in Opposition, its arguments relating to adding Fred Tegtmeir as a party rest entirely on its Motion to Compel Arbitration. (ECF No. 32, at pg. 5–12.) Furthermore, Defendant’s arguments relating to Plaintiff’s Motion being futile also rest on its Motion to Compel Arbitration. (*Id.* at pg. 12–14.) Because the Court has denied the Motion to Compel Arbitration, Defendant’s arguments are now moot. Therefore, the Court cannot resolve the Motion on the merits at this juncture.

For the foregoing reasons, Plaintiff’s Motion for Leave to File Amended Complaint *Instante* (ECF No. 31) is **DENIED WITHOUT PREJUDICE**. To the extent Plaintiff wishes to amend her complaint, she may file a new motion for leave to file amended complaint within **TWENTY-ONE (21) DAYS**. As to her request to add a Jane Doe Plaintiff, Plaintiff is **ADVISED** that the Court has ruled on a similar motion in related case 2:17-cv-00924-ALM-

EPD *De Angelis v. National Entertainment Group LLC* (ECF No. 43 in 2:17-cv-000924), and held that Jane Doe could not proceed as a pseudonymous plaintiff.

IT IS SO ORDERED.

Date: March 7, 2019

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE